



**PATENT
DOCKET No. 1878**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Forrest B. Phillips

Serial No.: 09/819,256

Art Unit: 3712

Filed: March 27, 2001

Examiner: Fenn C. Mathew

For: Sliding Exercise Apparatus and Recreational Device

Napa, California 94559

RESPONSE TO OFFICE COMMUNICATION MAILED SEPTEMBER 30, 2003

**Commissioner for Patents
Alexandria, VA 22313-1450**

**RECEIVED
NOV 29 2004
TECHNOLOGY CENTER R3700**

Dear Sirs:

Forrest B. Phillips, inventor of the above-identified application and referred to herein as Applicant, hereby replies under 37 CFR 1.142 to the Office communication, mailed May 4, 2004, regarding the Restriction Requirement mailed September 30, 2003, as follows:

Applicant again elects without traverse Group I corresponding to Figures 1, 2, 3, 4, 9, 10, 11, 13 and 15 of the application. Applicant again notes that Figure 5, alleged by the Examiner to be in Group I, is directed to a sports board and thus primarily is a riding element rather than an activity center.

Applicant elects the species disclosed in Figure 1 for prosecution on the merits. Claims 1, 2, 3, 5, 6, 7, 8, 10, 16, 17 and 88 are readable on this species.

Respectfully submitted,

Dated: November 18, 2004

By *Donald Diamond*
Donald Diamond
Reg. No. 18,771

2nd Floor
2180 Jefferson Street
Napa, CA 94559-1200

(707) 265-8347 (V)
(707) 265-8413 (FAX)
email: dondiamond@aol.com



Team 4

3712
71

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

2

Application Number

09/819,256

Filing Date

March 27, 2001

First Named Inventor

Forrest B. Phillips

Art Unit

3712

Examiner Name

F.C. Mathew

Attorney Docket Number

1878

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

Election of Species and claims readable thereon.

RECEIVED

NOV 29 2004

TECHNOLOGY CENTER R3700

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Donald Diamond		
Signature	<i>Donald Diamond</i>		
Printed name	Donald Diamond		
Date	November 18, 2004	Reg. No.	18,771

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	<i>Donald Diamond</i>		
Typed or printed name	Donald Diamond	Date	November 18, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.